

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK**

KENT G. STANNARD,) **Case No.:** 3:14-cv-657 (TJM/DEP)
)
Plaintiff,) **JURY TRIAL DEMANDED**
)
v.)
)
COLLECTION TECHNOLOGY, INC. d/b/a)
CTI,)
)
Defendant.)

COMPLAINT

KENT G. STANNARD (“Plaintiff”), by his attorneys, KIMMEL & SILVERMAN, P.C., alleges the following against COLLECTION TECHNOLOGY, INC. d/b/a CTI (collectively referred to as “Defendant”):

INTRODUCTION

1. Plaintiff’s Complaint is based on the Fair Debt Collection Practices Act, 15 U.S.C. §1692 *et seq.* (“FDCPA”), which prohibits debt collectors from engaging in abusive, deceptive, and unfair practices.

JURISDICTION AND VENUE

2. Jurisdiction of this court arises pursuant to 15 U.S.C. § 1692k(d), which states that such actions may be brought and heard before “any appropriate United States district court without regard to the amount in controversy,” and 28 U.S.C. § 1331 grants this court original jurisdiction of all civil actions arising under the laws of the United States.

1 “Sineon” (phonetic), placed repeated harassing telephone calls to Plaintiff’s cellular telephone
2 from numbers including, but not limited to 800-620-4284.

3 14. During these calls Defendant’s collectors threatened to garnish Plaintiff’s wages
4 and misrepresented that they were federal employees.

5 15. Upon information and belief, Defendant is not a federal agency, its employees do
6 not work for the Federal government, and Defendant did not intend to garnish Plaintiff’s wages.

7 16. Plaintiff told Defendant to stop calling and to send him something in writing
8 concerning the debt.

9 17. However, Defendant continued to call despite Plaintiff’ request that it stop.

10 18. Once Defendant was told the calls were unwanted and to stop, there was no
11 lawful purpose to making further calls, nor was there any good faith reason to place calls.

12 19. Further, Defendant never sent anything to Plaintiff in writing regarding the debt.

13 20. Defendant’s actions as described herein were made with the intent to coerce,
14 abuse, and deceive Plaintiff into paying the alleged debts.

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18 **COUNT I**
19 **DEFENDANTS VIOLATED § 1692c(a)(1) OF THE**
20 **FAIR DEBT COLLECTION PRACTICES ACT**

21 21. Section 1692c(a)(1) prohibits a debt collect from communicating with the
22 consumer at any unusual time or place or a time or place known or which should be known to
23 be inconvenient to the consumer. In the absence of knowledge of circumstances to the contrary,
24 a debt collector shall assume that the convenient time for communicating with a consumer is
25 after 8 o'clock antimeridian and before 9 o'clock postmeridian, local time at the consumer's
location.

1 22. Defendant violated §1692c(a)(1) of the FDCPA by contacting Plaintiff after it had
2 notice that she did not want to receive its telephone calls.

3
4 **COUNT II**
5 **DEFENDANT VIOLATED §§ 1692d and 1692d(5) OF THE**
6 **FAIR DEBT COLLECTION PRACTICES ACT**

7 23. Section 1692d of the FDCPA prohibits debt collectors from engaging in any
8 conduct the natural consequence of which is to harass, oppress or abuse any person, in
9 connection with the collection of a debt.

10 24. Section 1692d(5) of the FDCPA prohibits debt collectors from causing a
11 telephone to ring or engaging any person in telephone conversation repeatedly or continuously
12 with the intent to annoy, abuse or harass any person at the called number.

13 25. Defendant violated §§ 1692d and 1692d(5) of the FDCPA when it called Plaintiff
14 repeatedly and continuously, when it threatened to garnish Plaintiff's wages, when it
15 misrepresented that it and was affiliated with the federal government, and when it engaged in
16 other harassing or abusive conduct.

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18 **COUNT III**
19 **DEFENDANT VIOLATED §§ 1692e and 1692e(10) OF THE**
20 **FAIR DEBT COLLECTION PRACTICES ACT**

21 26. Section 1692e of the FDCPA prohibits debt collectors from using false, deceptive
22 or misleading representation or means in connection with the collection of any debt.

23 27. Section 1692e(10) of the FDCPA prohibits debt collectors from using false
24 representations or deceptive means to collect a debt or to obtain information from a consumer.

25 28. Defendant violated §§ 1692e and 1692e(10) of the FDCPA, when it
misrepresented that it was affiliated with the United States government, when it threatened action

1 that it did intent to take, and when it made other false, deceptive or misleading representations.

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3 **COUNT IV**
4 **DEFENDANT VIOLATED § 1692e(1) OF THE**
5 **FAIR DEBT COLLECTION PRACTICES ACT**

6 29. Section 1692e(1) of the FDCPA prohibits debt collectors from misrepresenting or
7 implying that they are affiliated with the United States government.

8 30. Defendant violated§ 1692e(1) of the FDCPA when its collectors misrepresented
9 that it was affiliated with the federal government.

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11 **COUNT V**
12 **DEFENDANT VIOLATED §§1692e(4) and 1692e(5) OF THE**
13 **FAIR DEBT COLLECTION PRACTICES ACT**

14 31. Section 1692e(4) of the FDCPA prohibits debt collectors from representing or
15 implying that nonpayment will result in garnishment unless such action is lawful and the debt
16 collector intends to take such action.

17 32. Section 1692e(5) of the FDCPA prohibits debt collectors from misrepresenting
18 that they will take legal action when they lack intent or ability to do so.

19 33. Defendant violated §§ 1692e(4) and 1692e(5) of the FDCPA when it
20 misrepresented that it would garnish Plaintiff's wages without the intent to take such action.

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22 **COUNT VI**
23 **DEFENDANT VIOLATED § 1692f OF THE**
24 **FAIR DEBT COLLECTION PRACTICES ACT**

25 34. Section 1692f of the FDCPA prohibits debt collectors from using unfair or
unconscionable means to collect or attempt to collect an alleged debt.

1 WHEREFORE, Plaintiff, KENT G. STANNARD, respectfully prays for a judgment as
2 follows:

- 3 a. All actual damages suffered pursuant to 15 U.S.C. § 1692k(a)(1);
4 b. Statutory damages of \$1,000.00 for its violation of the FDCPA pursuant to 15
5 U.S.C. § 1692k(a)(2)(A);
6 c. All reasonable attorneys' fees, witness fees, court costs and other litigation
7 costs incurred by Plaintiff pursuant to 15 U.S.C. § 1693k(a)(3);
8 d. Any other relief deemed appropriate by this Honorable Court.
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10 **DEMAND FOR JURY TRIAL**

11 PLEASE TAKE NOTICE that Plaintiff, KENT G. STANNARD demands a jury trial in
12 this case.
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17 DATED: 05/19/14

RESPECTFULLY SUBMITTED,

KIMMEL & SILVERMAN, P.C..

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